

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FRANTZ SAMSON, individually and
on behalf of all others similarly
situated,

Plaintiff,

v.

UNITEDHEALTHCARE SERVICES,
INC.,

Defendant.

CASE NO. 2:19-cv-175

ORDER GRANTING PLAINTIFF'S
UNOPPOSED MOTION TO
COMPEL PRODUCTION OF
DOCUMENTS PURSUANT TO
SUBPOENA DUCES TECUM
DIRECTED TO NEW CINGULAR
WIRELESS PCS, LLC

THIS MATTER came before the Court on Plaintiff's Unopposed Motion to Compel Production of documents responsive to a Subpoena Duces Tecum served on New Cingular Wireless PCS, LLC ("AT&T"). The Court has considered Plaintiff's Motion, the Declaration of Jennifer Rust Murray in support of Plaintiff's motion and the other pleadings and papers in this matter and **GRANTS** Plaintiff's unopposed motion as follows:

California's Public Utilities Code permits wireless carriers to produce subscriber information in response to a court order. Cal. Pub. Util. Code §§ 2891(a)(4), 2894(a); *see also*

1 *Lee v. Global Tel*Link Corp.*, 2017 WL 11272587, at *4 (C.D. Cal. Dec. 6, 2017); *see also*
2 *Hoagland v. Axos Bank*, 2021 WL 5326479, at *1 (S.D. Cal. Nov. 16, 2021) (“California law
3 permits the production of subscriber information pursuant to a court order.”). The Court
4 **ORDERS** AT&T to produce the California subscriber information Plaintiff seeks in his
5 subpoena.

6 Delaware’s Stored Communications Act permits telephone companies to provide
7 subscriber information pursuant to a court order. 11 Del. Code Ann. § 2427(d)(1); *see also Lee*,
8 2017 WL 11272587, at *8. The Court **ORDERS** AT&T to produce the Delaware subscriber
9 information Plaintiff seeks in his subpoena.

10 Pennsylvania law permits disclosure of subscriber information pursuant to a court order
11 only if the subscriber receives notice from the party seeking the record and is given an
12 opportunity to be heard. 18 Pa.C.S.A. § 5742(c.1)(2); *Lee*, 2017 WL 11272587, at *6. Notice
13 may be provided to subscribers by a third-party class action administrator before subscriber
14 information may be provided to counsel for a proposed or certified class. *See Kelly v. Verizon*
15 *Penn., LLC*, 2017 WL 11549625, at *9 (E.D. Pa. Aug. 8, 2017); *Lee v. Global Tel*Link Corp.*,
16 2018 WL 11008970, at *1 (C.D. Cal. Jan. 16, 2018) (*Lee II*). Therefore, the Court **ORDERS**
17 AT&T to provide Pennsylvania subscriber information to class action administrator, Continental
18 DataLogix, LLC. Continental DataLogix shall provide to Pennsylvania subscribers the notice
19 required under Pennsylvania law that is substantially similar to the notice attached as Exhibit 3 to
20 the Murray Declaration in support of this motion.

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1 The clerk is ordered to provide copies of this order to all counsel.

2 Dated February 9, 2024.

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4 Marsha J. Pechman
5 United States Senior District Judge
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